

Stewardship Plan

Maryland Division

Maryland State Highway Administration
Federal Highway Administration

April 2001

Forward to the Stewardship Manual

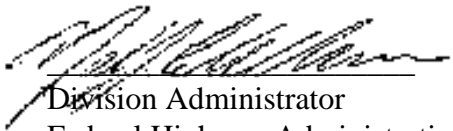
A joint FHWA/MDSHA multi disciplinary team was instrumental in developing this stewardship Plan. The Team worked diligently for nearly four months to review legislation, identify process improvements, and develop a consensus Plan. The final Plan accomplishes a major goal of our respective agencies, in partnership, to further improve the program and project delivery in the State of Maryland.

The responsibility and accountability are outlined in many of the matrix tables and flow charts to clarify actions, and avoid misinterpretation and time delays. The Plan is conceived as a living document that could be modified at the request of either FHWA or Maryland SHA to incorporate additional legislation or other processes. Implementation details and other actions will be developed in light of the guidance provided in the Plan.

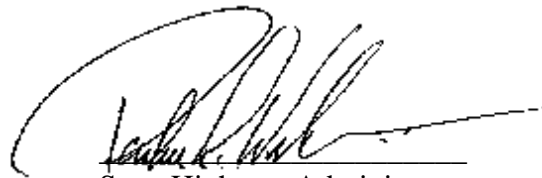
STEWARDSHIP PLAN
LETTER OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION
AND THE MARYLAND STATE HIGHWAY ADMINISTRATION

The Maryland State Highway Administration (MDSHA) and the Federal Highway Administration (FHWA) agree that effective March 15, 2001, they will follow the guidelines set in the Stewardship Plan to carryout oversight responsibilities of both agencies in the delivery of the Federal-aid Highway Program as provided in Section 1305 (a) of TEA-21. This plan replaces the existing 1992 plan/agreement and will be in force upon signing by FHWA and MDSHA.

The Stewardship Plan is conceived as a living document that can be modified to incorporate additional legislation, other processes or changes in the guidelines to determine the oversight responsibilities. It is our mutual objective to work toward providing the State the maximum flexibility as permitted by the law. All future changes to this Stewardship plan shall be mutually agreed upon by both parties, MDSHA and FHWA.


Division Administrator
Federal Highway Administration

4/30/01
Date


State Highway Administrator
State Highway Administration

4/30/2001
Date

TABLE OF CONTENTS

	Page
Forward	
Letter of Agreement	
List of Figures	i
List of Tables	ii
Abbreviations	iii
Introduction	1
Purpose	1
Oversight Activities	3
Program/Process Reviews	4
Planning Program	7
Environmental Program	9
Right-of-Way Program	12
Research & Technology Transfer Program	16
Safety/Traffic Program	19
ITS Program	24
Design Monitoring Program	30
Construction Monitoring Program	33
Maintenance Monitoring Program	36
Materials Quality Assurance Program	39
Pavement Management Design	41
Bridge Program	43
Financial Management Program	45
Civil Rights Program	51
Miscellaneous Programs	54

LIST OF FIGURES

<u>FIGURE</u>		<u>PAGE</u>
I	Maryland Division Organization Chart	5
II	Oversight Determination Process for ITS projects	27
III	Oversight Determination Process for construction projects	34

LIST OF TABLES

<u>TABLE</u>	PAGE
Planning Summary	8
Environmental Summary	10
ROW Summary	14
Research and T² Summary	18
Safety/Traffic Summary	23
ITS Summary	28
Summary of Oversight Responsibilities for Design Projects	31
Summary of Oversight Responsibilities for Construction Projects	35
Maintenance Program All Federal -aid Highways	38
Quality Assurance Program	40
Pavement Management and Design	42
Bridge	44
Financial Management	49
Civil Rights	53
Miscellaneous Programs/Activities	54

ABBREVIATIONS

AASHTO	American Association of State Highway and Transportation Officials
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CMAQ	Congestion Mitigation and Air Quality
CPI	Continuous Process Improvement
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FMIP	Financial Management Improvement Project
HPR	Highway Planning and Research
HPMS	Highway Performance Monitoring System
HSP	Highway Safety Plan
HSIP	Highway Safety Improvement Program
ISTEA	Intermodal Surface Transportation Efficiency Act
ITS	Intelligent Transportation Systems
MDSHA	Maryland State Highway Administration
MPO	Metropolitan Planning Organization
NBIS	National Bridge Inspection Standards
NEPA	National Environmental Policy Act
NHS	National Highway System

NHSD	National Highway System Designation Act of 1995
NHTSA	National Highway Traffic Safety Administration
PCT	Project Coordination Team
PE	Preliminary Engineering
PR/PE	Process Review/Program Evaluation
PS&E	Plans, Specifications, and Estimate
P/T	Programs and Technical Services Team
ROW	Right-of-Way
RR	Railroad
SMART	Safety and Maintenance Advisory Roadway Tips
SMS	Safety Management System
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TEA-21	Transportation Equity Act for the 21st Century
TCA	Telecommunications Act of 1996
TIP	Transportation Improvement Program
USC	United States Code
MBE	Minority Business Enterprise

INTRODUCTION

The Federal Highway Administration (FHWA) has experienced various evolutionary changes over the last several years, affecting program management philosophy and oversight responsibilities. The role of the FHWA and our continuing stewardship of the federal-aid highway program were the subjects of much debate as we defined and developed our vision, mission, values, and goals to meet the challenges of the 21st Century under our "FHWA 2000" national strategic planning process. The FHWA 2000 process together with the mandates of the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), and Transportation Equity Act for the 21st Century (TEA-21) clearly indicated that FHWA has a continuing, but changing, stewardship role, and provided a need to make adjustments in our stewardship approach to accommodate changes in directions of the federal-aid highway program.

While our National Strategic Plan has been a major "change agent" in setting the stage for major new national initiatives and directions, the ISTEA has been the single most influential element affecting our day-to-day Division office stewardship operations and responsibilities. The program and project exemptions made possible under Section 1016 of ISTEA and Section 1305 of TEA-21 require that we share certain oversight responsibilities with our State Highway Agency (MDSHA) partners to a much greater extent than in the past. The MDSHA's acceptance of these exemptions has resulted in greater MDSHA program accountability due to less federal involvement in certain programs and projects. **This shifting of oversight responsibilities along with other focuses and requirements of ISTEA and TEA-21 has laid the cornerstones for the development of stewardship plans.**

The TEA-21, Section 1305 (a) requires that FHWA and State enter into an agreement showing the extent of the State's assumption of the Secretary's responsibilities.

PURPOSE

This Stewardship Plan serves as a continuing plan of program oversight and responsibilities for the Maryland Division and Maryland MDSHA, covering the following functional areas:

- Non-Exempt Projects
- Exempt Projects
- Planning
- Environment
- Right-of-Way
- Research & Technology Transfer
- Safety/Traffic
- ITS
- Design
- Construction
- Maintenance

Civil Rights
Financial Management
Pavement Design & Materials Quality
Bridge Program

The development of this plan has taken into account the status and implementation by the MDSHA of the program efficiency options provided under Section 1016 of the ISTEA, and various sections of TEA-21 including Sections 1205, 1302, 4, 5, 6, and 7. The Plan also incorporates changes required by the Surface Transportation Extension Act of 1997, and National Highway System Designation Act of 1995.

The Plan also takes into account of the FHWA and MDSHA's resources and capabilities, and the areas of responsibilities and federal requirements where FHWA has an active role in the oversight process. Additionally, the plan provides a process for transition from project-oriented oversight to programmatic or process-oriented oversight through Process Reviews/Product Evaluations (PR/PE). This plan forms the principal basis for monitoring and evaluating the quality of the MDSHA's Federal-aid program, and the continued disbursement of federal funds based upon MDSHA policies, practices, and staffing resources.

OPERATING ENVIRONMENT

1992 Plan

In response to Section 1016 of the ISTEA, the Maryland Highway Administration (MDSHA) selected most of the program efficiencies options available under ISTEA regarding federal-aid project oversight, which culminated into the "1992 ISTEA Program Efficiencies Agreement" jointly executed between MMDSHA and FHWA on October 30, 1992.

The 1992 Plan/Agreement exempted all non-National Highway System (NHS) projects; and all NHS projects (including 3R projects on Interstates) with an estimated construction cost under \$1.0 million, with the exception of projects on the Interstate System that utilized Interstate completion (IC) funds. Non-Interstate, NHS projects over \$1.0 million were treated as certification acceptance (CA) projects.

Interstate new/reconstruction projects, regardless of the cost were subject to full FHWA oversight

2001 Plan

The 2001 FHWA Plan/Agreement results in more streamlined project monitoring process. In addition, it includes stewardship responsibilities for various programs. These changes/additions are captured under each section. **The 2001 Plan also includes targeted timeframes (in work days) for SHA/FHWA actions, including submissions, comments and approvals.**

Non Title 23 requirements remain FHWA responsibilities. Examples include:

Planning

Project initiation (eligibility, location and selection)
Programming (MPO and State TIPs)
NEPA and other environmental requirements (permits, etc.)
Right-of-way (ROW) acquisition prerequisites (consisting primarily of the validity of ROW certificates, ROW clearance for construction, etc.)
Procurement Procedures (design consultant selection, contract bid letting, etc.)
DBE/WBE
Labor compliance (Davis-Bacon Act, etc.)
Buy America Act
Other applicable items as appropriate

OVERSIGHT ACTIVITIES

1. Program Oversight

The FHWA has full oversight of all Federal-aid programs. Division Office will manage and provide oversight of Maryland's federal-aid programs in various ways. The methods used will be:

- ! Routine day-to-day program actions and other interaction.
- ! Division participation on MDSHA task forces, quality teams, implementation committees, individual reviews, attendance at MDSHA meetings, etc.
- ! Program/process reviews (as determined in accordance with detected strengths, weaknesses and/or importance). **Program/process reviews will be utilized as one of primary methods of oversight.**

The Programs & Technology Team of the Maryland Division will be the lead in program oversight. The Division Program Managers in each area will work with their MDSHA counterparts in carrying out the program related stewardship responsibilities.

2. Project Oversight

Non-exempt Projects

Projects on the NHS that are not exempt from FHWA oversight will be managed on the traditional project-by-project basis. The Division Project Coordination Team will have a lead in providing Project oversight. This Team will include Area Engineers who will be assigned certain geographic areas. This arrangement will afford our engineers the opportunity to maintain rapport and direct, knowledge-based understanding and contact with Maryland field activities and personnel. The MDSHA prefer retention

of this approach because of their strong District setup and the benefits of the "one stop shopping concept" for State District/FHWA relations.

The methods used for project oversight are similar to methods noted under program oversight and will also include traditional project oversight activities such as site inspections, indepth reviews, reviews of change orders and claims, and other routine day-to-day project actions, etc.

Exempt Projects (State Administered Projects)

Our general philosophy regarding exempt projects is to increasingly rely on the MDSHA's internal operations and accountability for assuring all applicable federal-aid provisions and requirements are satisfied on a project level basis. We have rather strong comfort in this philosophy because MDSHA is a highly professional organization with a great deal of technical expertise and program experience in nearly all areas of the transportation program.

Program/process reviews will be utilized as the primary method of oversight for exempt projects and will include review of MDSHA's internal control procedures for processing exempt projects. In functional area reviews such as NEPA, contract administration, right-of-way acquisition/relocations, labor compliance, EEO, NBIS, financial management, exempt projects will be included in our selected sample, where appropriate, when PR/PE's are undertaken. Specific functional program areas covered in this plan should be consulted for more detail. Maintenance conformity of exempt projects will be covered annually under our maintenance program.

Program/Process Review (PR/PE)

Our PR/PE approach will comprise the traditional process of comprehensively reviewing and evaluating State and/or local agency policies, procedures, practices and controls for the development/implementation of federal-aid projects and programs.

The Division PR/PE's will be accomplished by teams, with team assignments being made following the selection of the review area. The teams will include MDSHA representatives as appropriate. Others will be invited to participate. In some instances, other partners such as the Federal Transit Administration, National Highway Traffic Safety Administration, Resource agencies, or others may be requested to participate dependent upon subject matter.

The Division Office in consultation with MDSHA will develop each year an Annual Process Review Program. [Subjects selected will be identified under our annual performance plan]

Selected program/process review topics will be selected with emphasis on:

- key programs, processes, and practices and achievement of performance goals

- evaluation of perceived successes and weaknesses identified during the previous year's project level activities, or during routine program monitoring, audit reports, needed cyclical reviews per our plan, and any special reviews included in the Division Plan

to determine and/or evaluate effectiveness of implementation of new and innovative technologies, processes, and practices.

Reports will be developed for each PR/PE undertaken and will include findings and recommendations. Whenever feasible, the report findings/recommendations will be presented at the joint session of FHWA and MDSHA's top management. **Follow-up activities will occur as necessary through implementation, meetings and/or follow-up correspondence until all issues are satisfactorily resolved.**

FHWA Maryland Division

The Division is structured into 5 teams. It includes a Programs & Technology Team (which is responsible for all statewide programs and technology delivery), a traditional Project Coordination Team (which functions under the traditional geographic organizational alignment for project-oriented activities, comprising area engineers and environmentalists), Administration Team, Financial Team, and the Woodrow Wilson Project Team. The current Division organizational structure is depicted below.

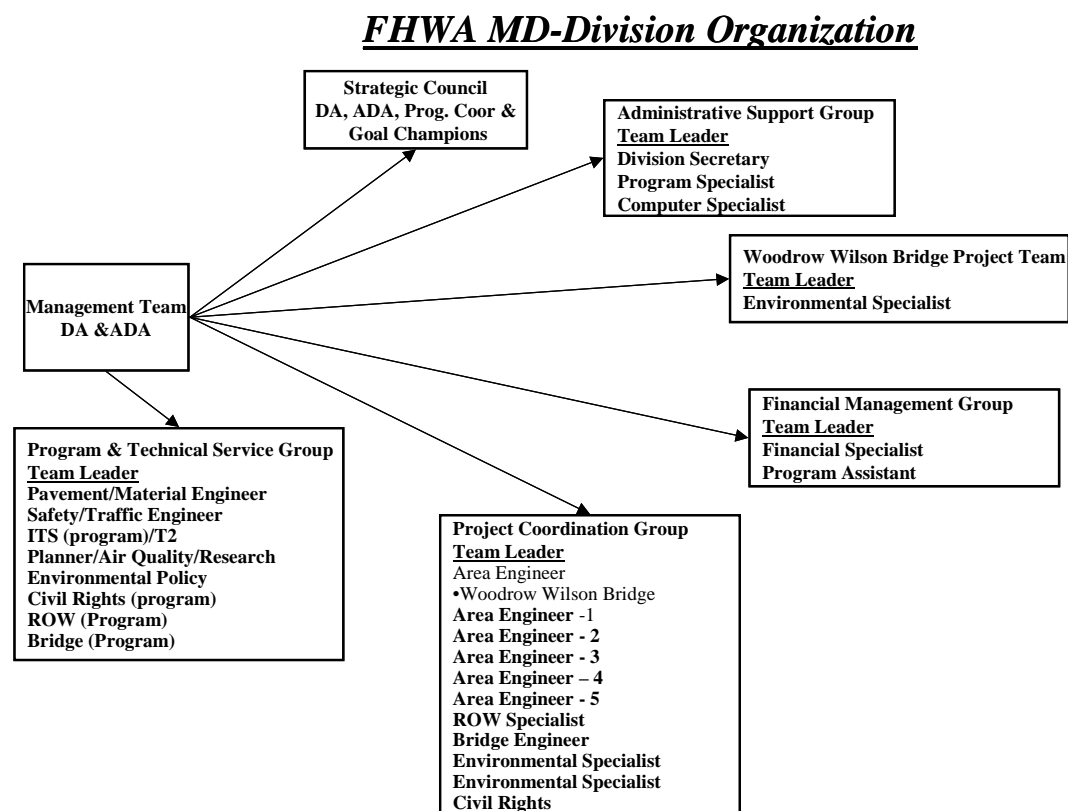


Figure I – Maryland Division Organization Chart

While we have maintained a basic organizational structure, recent organizational changes have refined this structure with teams and collateral duty assignments to better address program changes and new directions. While the P/T and PC teams are comprised of a base membership, these teams are supported by a cross-section of office personnel with special expertise or interest in project as well as functional areas, such as safety, environment, pavements, mobility, productivity, etc. A listing of collateral assignments are attached to this plan.

This structure, augmented by teams, provides the needed balance and flexibility for strong project oversight, flexible program/process management, technology transfer, enhanced individual technical development, and the ability for quick-response to new program changes and directions.

PLANNING PROGRAM

BACKGROUND

Transportation planning activities are legislated under Section 1203 - Metropolitan Planning, and Section 1204 - Statewide Planning of TEA-21, as well as the 23 CFR Parts 450 - which is currently proposed to be revised to section 1410 under the May 25, 2000 Notice of proposed rule making. The FHWA Division Office and the FTA Region Office are jointly responsible for required approval actions such as: Certification of the metropolitan planning process in each transportation management area not less often than once every three years, and biennial review and approval of the State Transportation Improvement Program.

Transportation Planning also includes data collection and reporting, which is included under Section 420 of 23 CFR. Section 420.107(b)(2) requires that “. . .State Transportation Agencies shall provide data that support the FHWA’s responsibilities to the Congress and to the public. These data include, but are not limited to, information required for: Preparing proposed legislation and reports to the Congress; evaluating the extent, performance, condition, and use of the Nation’s transportation systems; analyzing existing and proposed Federal-aid funding methods and levels and the assignment of user cost responsibility; maintaining a critical information base on fuel availability, use, and revenues generated; and calculating apportionment factors.”

Management and Monitoring Systems are included under Section 500 of 23 CFR. Section 500.105(b) states: “States shall develop, establish, and implement a Traffic Monitoring System that meets the requirements of Subpart B (Section 500.201- 204).”

OPERATING PROCEDURES

FHWA provides technical expertise and assistance through participation in committees and teams set up by the MDSHA, MDOT, and the Metropolitan Planning Organizations that address data collection and analysis issues as well as coordination on individual topics of interest. Issues include: (1) Congestion Management, (2) Environmental Justice, (3) Air Quality Conformity, (4) Multimodal and Intermodal Coordination. In addition, FHWA conducts reviews of planning processes and products such as HPMS data, Heavy Vehicle Use Tax Enforcement, etc.

PROJECT OVERSIGHT

Amendments to the Transportation Plans, STIP, and TIPs are coordinated by MDOT for all projects. FHWA and MDSHA work together in the project planning phase to ensure compliance with NEPA and other applicable laws before location approval. Project coordination is facilitated by monthly MDSHA/FHWA coordination meetings.

PLANNING
Summary Table

Activity	MDSHA Action	FHWA Action** (working days)	Product
HPMS Data Submittal	Prepares/Submits	Conducts field review with MDSHA	Recommendation by 10/1 annually
STIP amendment	Prepares/submits To MDOT	Reviews request Letter back to MDOT with cc's to MDSHA, within 10 days	STIP revised
STIP approval	MDOT submits STIP to FHWA/FTA	Consults with EPA on TIP Conformity, reviews program to assure fiscal constraint on TIP within 45 days	Approval of STIP,
SPR Work Program	Prepare/submit Annual Program	Review, authorization within 10 days	SPR (Part 1) Program
Data to support FHWA responsibilities	prepare/submit requested data	Receive data, forward to HQs	Data included in Congressional and FHWA reports
500 Series Finance Reports	Prepares/submits Annually by April 1	Receive by HQ	National Reports Include MD input
Innovative CMAQ Funding Request	Consult FHWA/FTA planners	Approve project concept for CMAQ funding within 10 days	Project authorized using CMAQ funds
FHWA Grant Programs (TCSP, Scenic Byways, Value Pricing, other program	Consult/Transmit Proposal to Division/ Headquarters Office	Forward proposal, administer grant	Selected proposals receive funding
Size and Weight Enforcement Plan and Certification	Prepares/transmits	Review/Approve	Program activities
Public Road Mileage Certification	Submit by June 1	Review/approve	23CFR 460.3(b) Requirements met
Traffic Monitoring System	Operation of System	Process review	Data received/Status of system documented

** Action refers to comments and/or approvals

ENVIRONMENTAL PROGRAM

BACKGROUND

The FHWA is the lead federal agency in integrating the full range of environmental requirements under a single, unified process that results in effective and sound transportation decisions in accordance with Section 1309 of TEA-21. These laws and regulations include the National Environmental Policy Act (NEPA) and implementing regulations CEQ 40CFR1500 and FHWA 23CFR771 (proposed 23CFR1420); Section 4(f) of the Department of Transportation Act and implementing regulations 23CFR771 (proposed 23CFR1430); Section 106 of the National Historic Preservation Act and implementing regulations 36CFR800; Section 404 of the Clean Water Act; and Section 7 of the Endangered Species Act, as well as others. Furthermore, FHWA has a commitment to the “protection and enhancement of communities and the natural environment” as outlined in the USDOT Strategic Goals.

OPERATING PROCEDURES

FHWA participates in task forces and teams set up by the MDSHA that address both broad policy or program environmental issues as well as individual topics of interest. Teams have been developed for the following: (1) Training, (2) Environmental Justice, (3) Historic Bridges, and (4) Thinking Beyond the Pavement Project - Development Process. Although the Secondary/Cumulative Effects Analysis and Environmental Streamlining teams have completed their tasks, follow up activities may be required. In addition, FHWA is a member of two Interagency Oversight teams: the Steering Committee and the Interagency Managers.

PROJECT OVERSIGHT

For all projects, FHWA and MDSHA work together in the project planning phase to ensure compliance with NEPA and other applicable laws before FHWA selects an alternative (location approval). The level of involvement is commensurate with the level of the environmental impacts or project complexity and follows a set procedure depending on environmental documentation class.

For Programmatic Categorical Exclusions, the MDSHA submits a checklist documenting eligibility in accordance with the criteria outlined in previous FHWA/MDSHA agreements. FHWA checks the form and then files if appropriate. Categorical Exclusions, Programmatic Section 4(f) Evaluations and Section 4(f) Evaluations are prepared by MDSHA and submitted to the FHWA for review. FHWA’s goal is to respond to all submissions within timeframes (all timeframes are expressed in calendar years) shown in the table below. Coordination on Environmental Assessments/Findings of No Significant Impacts and Environmental Impact Statements are conducted following the “Maryland’s Streamlined Environmental and Regulatory Process” guidelines and include interagency field meetings, concurrence points, reviews and approval procedures. FHWA is also an active member of individual project teams and help guide the project planning study. All documents requiring legal sufficiency review (the final EIS and Section 4(f) Evaluation) will be sent to Eastern Legal Services of the Offices of Chief Counsel (ELS) in Baltimore by the Division Office with summary comments prior to issuing these documents. Pre-Draft Section 4(F) documents will be submitted to ELS for comment regarding

potential for legal sufficiency. ELS's goal is to provide legal sufficiency review comments to the Division within 30 days after receipt of the document. Environmental Re-evaluations are conducted through informal consultation and formal written documentation. All project coordination is facilitated by monthly MDSHA/FHWA coordination meetings.

ENVIRONMENT
Summary Table
Exempt & Non-Exempt Projects

Activity/Item	MDSHA Action	FHWA Action	Product
Programmatic Categorical Exclusions	Prepare, Approve	Comments or Concur by filing (within 10 days)	Concurred PCE
Categorical Exclusions	Prepare, request classification, request Location Approval	Comments or Concur with CE classification within 30 days of receipt. Comments or grant location approval within 30 days of receipt.	Approved CE
Preliminary Environmental Assessment	Prepare, request classification	Provide comments, concur with classification (within 30 days of receipt)	Comments
Environmental Assessment	Prepare	Comments or Approve (within 20 days of receipt)	Signed EA
Preliminary Finding of No Significant Impacts	Prepare, may identify preferred alternative	Provide comments (within 30 days of receipt)	Comments
Finding of No Significant Impacts	Prepare	Comments or Concur with Finding determination, grant location approval (within 20 days of receipt)	Signed FONSI
Preliminary Draft Environmental Impact Statement	Prepare, request classification	Provide comments, concur with classification (within 30 days of receipt)	Comments
Draft Environmental Impact Statement	Prepare	Comments or Approve (within 30 days of receipt)	Signed DEIS
Preliminary Final Environmental Impact Statement	Prepare, may identify preferred alternative	Provide comments (within 20 days of receipt)	Comments
Final Environmental Impact Statement	Prepare	Acquire Legal Sufficiency or comment, determine prior concurrence requirement, approve (within 30 days of receipt)	Signed FEIS
Record of Decision	Prepare	Consult Legal Counsel, select alternative, comment or issue ROD (within 30 days of receipt), grant location approval	ROD

Preliminary Evaluations	Prepare	Provide comments within 30 days of receipt	comments
Re-evaluations	Prepare, recommend action	Concur or deny that existing document is still valid (within 20 days of receipt)	Concurrence
Preliminary Programmatic Section 4(f) Evaluations	Prepare, may recommend alternative	Provide comments (within 30 days of receipt)	Comments
Programmatic Section 4(f) Evaluations	Prepare	Comments or Approve (within 20 days of receipt)	Signed Prog. 4(f)
Preliminary Draft Section 4(f) Evaluations	Prepare	Provide comments (within 45 days of receipt)	Comments
Draft Section 4(f) Evaluations	Prepare	Comments or Approve (within 20 days of receipt)	Signed Draft 4(f)
Preliminary Final Section 4(f) Evaluations	Prepare, may recommend alternative	Provide comments (within 30 days of receipt)	Comments
Final Section 4(f) Evaluations	Prepare	Comments or Acquire Legal Sufficiency, approve (within 30 days of receipt)	Signed Final 4(f)

Right-Of-Way Program

Background

The following oversight elements involving the federal-aid right-of-way (ROW) program are covered under 49CFR part 24, which has no provision for exemptions under ISTEA and TEA 21:

- Appraisal
- Acquisition
- Relocation

The elements listed below are covered under 23 CFR (parts are listed in parentheses beside elements) and required specific approval on FHWA's part:

- right-of-way authorization (part 710.307 subpart B)
- right-of-way certification (part 635 subpart C)
- functional replacement (part 710.509 subpart E)
- air rights on the interstate (part 710.405 subpart D)
- airspace leases/ joint use agreements (part 710.406 & 407 subpart D)
- disposal of excess right-of-way (part 710.409 subpart D)
- Federal land transfers (part 710.601 subpart F)
- early acquisition, protective buying and hardship (part 710.501 & 503 subpart E)
- State ROW operations manual (part 710.201 subpart B)
- indirect costs (part 710.203 (d) subpart B)
- highway beautification (part 750)

The last group of elements are covered in 23 CFR and do not require specific program or project approvals, but are not exempted from FHWA oversight under ISTEA & TEA 21:

- direct eligible costs including administrative, legal and court settlements (part 710.203 (b) subpart B)
- real property donations (part 710.505 subpart E)

Oversight Activities

Even though there are no exemptions under the law for any functions covered in 49 CFR part 24, for practical purposes there are two levels of review of those elements. One level depends on whether the project involves right-of-way acquisition and has federal-aid in other phases of work but none in right-of-way. The second level depends on whether there is federal-aid in the right-of-way project phases. Although the ROW regulations must be followed under both levels, there is less concern about the reasonableness of the actual dollars expenditures in those projects containing no federal-aid in the ROW. The primary concerns with these projects are to protect the rights of property owners and displaced persons.

For the second level of projects, there is a dual concern for the rights of property owners and displaced persons and the stewardship of the federal dollars. Continuous review of the state's activities has proven to be an effective means of assuring that the rights of owners and displaced persons are protected as well as monitoring the expenditures of federal funds. This will be continued under this stewardship plan. Process reviews and program evaluations will be conducted when needs/trends are identified. The reviews will be conducted jointly with MDSHA personnel whenever possible.

For 23 CFR program areas, recent changes in the regulations have added some flexibility to the oversight responsibilities. With this flexibility, the MDSHA will be taking more direct approval and oversight responsibility. The attached table identifies the responsible agency for each 23 CFR activities, approving actions, and products under the revised agreement. Each element already has an end product review of 100%. If during the normal approval action any problems are identified, a process review or CPI review may be scheduled. Also, process reviews and CPI reviews will be the method for evaluating compliance and effectiveness in each of the program areas.

Certain right-of-way activities are not covered specifically by either 49 or 23 CFR but are a combination of other agency's regulations, sound business practice and the occasional national emphasis areas which effects the right-of-way program. Joint reviews of these topics and their application will be conducted as needed.

**ROW
Summary Table**

Activities/Item	MDSHA Action	FHWA Action**	Product
Appraisals	Approval All Projects	Authorization & Oversight All Projects within 5 days	Appraisal Reports
Acquisitions	Approval All Projects	Authorization & Oversight All Projects within 5 days	Property Titles, Easements
Relocations	Approval All Projects	Authorization & Oversight All Projects within 5 days	Relocations
ROW Authorizations & Agreements	Request	Electronic Signature All Projects within 5 days	1240s & Agreements
ROW Certification	Approval Non-NHS & Exempt Projects	Approval Interstate & NHS Projects within 5 days	Certificates
Functional Replacement	Approval & Oversight	Concurrence	Manual
Air Rights Interstate	Request	Approval & Oversight	Airspace Agreement
Airspace leases/joint use agreements	Approval & Oversight Non-Interstate	Approval - Interstate within 10 days	Leases/Agreements
Disposal of Excess ROW	Approval Non-Interstate & Oversight	Approval - Interstate & Less Than FMV within 10 days	Sale Receipts
Federal Land Transfer	Prepare Request	Approval & Oversight within 3 months	Transfer Deeds
Early Acquisition, Hardship, Protective Buying	prepare submission	Approval & Oversight within 10 days	Manual
ROW Operations Manual	Prepare Manual	Approval within 10 days	Manual
Indirect Cost	Request	Approval within 10 days	Manual
Highway Beautification	Prepare request	Approval & Oversight within 10 days	Manual

Administrative, Legal, and Court Awards	Approve	Oversight	Manual
Access Control- Disposal & Changes	Request (Interstate) Approve (non- Interstate)	Approval - Interstate within 10 days	Manual
Early Acquisition Cost	Approve	Concurrence	Manual

* working days

** Action refers to comments and/or approvals

Research & Technology Transfer Program

Purpose

To implement the provisions of 23USC 307, for research, development and technology transfer activities, programs and studies undertaken with FHWA planning and research funds.

Background

The ISTEA/TEA-21 has placed considerable emphasis on research and technology transfer activities, and implementation of important research results. The MDSHA and the Maryland Division are working together to meet the new challenges. The MDSHA has established a Research Division within its Office of Policy and Research. The major activities of this office include, but are not limited to:

- Annual Research Program
- Pooled Fund Studies
- Experimental Projects
- Support to NCHRP/TRB
- Local Technical Assistance Program
- Coordination of Statewide Technology Transfer Activities
- Coordination of new product evaluations
- Innovative research projects

The State Highway Administration has a Research Advisory Board chaired by the MDSHA Administrator. This Board provides policy guidance. The Board is assisted by a Research Task Force (RTF) that reviews the proposals, develops comments, and ranks the proposals. The RTF is composed of MDSHA senior managers, FHWA representative, LTAP, and other MDOT agencies. The RTF and/or MDSHA Key Performance Area Council (KPAC) meets annually to review and comment on the proposals and results of research projects, and offer recommendations for new areas of interest. The RAB and RTF ensures Maryland research and technology transfer programs are responsive to the needs of MDSHA. The MDSHA also has a Research Management Process manual that describes the overall research and technology transfer process. This manual is updated periodically as needed.

Applicable legislation/regulations/policies

23 CFR Part 420 (ref: 23 USC 307)

49 CFR Part 18

1. Part 420, Subpart A (Administration of FHWA Planning & Research Funds)

Requirements:

- MDSHA shall submit annual performance and expenditure reports (section 420.117).
- The financial management system/audits etc. shall be in accordance with the provisions of 49 CFR 18.20(a) (ref: Section 420.121, 23 CFR)
- Other procedures shall be in conformance with the provisions noted in Section 420.121 of 23 CFR

2. Part 420, Subpart B (Research, Development, and Technology Transfer Program Management)

Requirements:

- A State Research Management Process (RMP) is required (the requirements for RMP are noted under Section 420.207). A copy of the original certification shall be submitted with each work plan (section 420.213).
- A new certification will be required if RMP is revised significantly.
- Periodic Peer Exchange (420.207)
- An annual or biennial Work Program (420.209)
- Division Administrator shall determine if the State is in compliance with subpart B of Part 420.

Stewardship Activities

The FHWA Maryland Division's currently has full oversight of the Research & T2 program. This oversight is both administrative and technical. Typically the FHWA exercises its oversight responsibilities through review of the annual program prior to approval actions, review of individual proposals, and review of annual reports. Division participates in ongoing program activities such as MDSHA's RTF meetings, MDSHA Research Advisory Board meetings, LTAP Advisory Board meetings, routine technical and policy meetings, participation in peer exchanges, and participation in technology transfer events, MDSHA Annual Research Workshop, etc. The MDSHA has considerable flexibility in the use of funds and determination of eligible activities that meet the requirements of Section 420 of the CFR.

The FHWA Maryland Division's Planning and Research Engineer oversees the administrative aspects and coordinates with the Division's specialists for the technical aspects.

Research & T2 Summary Table

Activity	MDSHA Action	FHWA Action**	Product/comments
Annual Work Plan	Prepare	Approve (within 10 days)	Annual Research program
LTAP	Review & sign contract with MD University	Approve (within 10 days)	Annual LTAP work program
Pooled-fund studies	selects, sends request for entry into FMIS	Approve funding (within 5 days)	State selects and participates at its discretion
NCHRP/TRB	sends request for entry into FMIS	Enter into FMIS (within 5 days)	Funds become available for use
Tea-21 Innovative Research Programs (bridge and concrete)	Proposes projects	Approve	Research Reports
Maryland Annual Research Workshop	Sponsors/hosts	Participate	T2/partnership
Peer Exchange	Sponsors/hosts	Participate/support	Report submitted for information
New Products/experimental features	evaluates/recommend	Approve/provide technical assistance	Reports due within 90 days of completion
Annual Reports on performance & expenditure	Prepares	Review/approve	Reports due 90 days after the reporting period for annual and final reports
Annual ERC T2 program	Proposes projects	Approve	T2/partnership
Annual Certification* of Research Management Process	Prepares	Information	To be verified by process reviews* Certification required annually

**working days; ** Action refers to comments and/or approvals

Safety/Traffic Program

Background

Title 23 of the United States Code contains recent highway legislation enacted by Congress. With regard to highway safety, the most pertinent sections of 23 USC are:

23 USC 152	Hazard Elimination Program
23 USC 159	Revocation or Suspension of Driver's Licenses of Individuals Convicted of Drug Offenses
23 USC 315	Rules, Regulations, and Recommendations
23 USC 402	Highway Safety Programs
23 USC 106	Project Approval and Oversight
23 USC 109	Standards

Previously, there was a requirement in Section 1034 of ISTEA which required the State to prepare an annual certification of their safety management processes. This requirement was made optional in Section 205 (Suspension of Management Systems) of the NHS Designation Act. As a result, the safety management certification is not being implemented in Maryland.

TEA-21 did not change the eligibility requirements for Highway Safety Infrastructure, but does require the states to consider bicycle safety in carrying out their projects. TEA-21 also created a consolidated State and Community Highway Safety Grants (402) Program, which merges the ISTEA's separate FHWA 402 and NHTSA 402 authorizations into one authorization. NHTSA's Regional Administrator is the approving official, with concurrence of the FHWA Division Administrator as necessary.

Operating Activities

The FHWA currently participates with the State on the following task forces and teams: Highway Safety Strategic Plan, Maryland Traffic Records Coordinating Committee, Pedestrian Safety Task Force, Community Traffic Safety Program, and Maryland Operation Lifesaver. Many of these task forces incorporate the concepts from the State's former safety management system. In addition, FHWA and the State work together on safety issues related to geometric design, roadside safety & appurtenances, the highway safety improvement program, work zone safety, traffic operations and control, pedestrian and bicycle safety. In each regard, this sharing of knowledge can occur through discussions, meeting/committee/task force participation, and by performing periodic reviews.

Although the FMCSA is the State's primary Federal partner for motor carrier issues, FHWA provides assistance as necessary. FHWA also assists the State and NHTSA with driver behavior issues such as impaired drivers, older drivers, and occupant protection.

FHWA Oversight Activities

The Federal Highway Administration's Maryland Division Office has oversight responsibility for the following Highway Safety-related activities:

- A. **HSIP** (Highway Safety Improvement Program)
[Authority: 23 USC 105(f), 152, 315, and 402, Section 203 of the Highway Safety Act of 1973, as amended, 49 CFR 1.48(b), 23 CFR 924]

These sections sets forth policy for the development and implementation of a comprehensive highway safety improvement program in each state. Each state shall develop and implement, on a continuing basis, a highway safety improvement program which has the overall objective of reducing the number and severity of accidents and decreasing the potential for accidents on all highways. Each state shall submit to the Division Administrator no later than Dec 30 of each year a report covering the state's HSIP during the previous July 1 through June 30 period. (NOTE: Dec 30 is specified in 23 USC 152(g). This date is more in line with current practice than the Aug 31 date specified in 23 CFR 924)

FHWA oversight: Review and comment on program and report, as appropriate.

- B. **159 Certification** (Drug Offender's Driver's License Suspension)
[Authority: 23 USC 159 and 315, 23 CFR 192]

Encourages States to enact and enforce drug offender's driver's license suspensions. States must comply with 23 USC 159 in order to avoid the withholding of Federal-aid highway funds. By January 1 of each year, the Governor shall submit written notification to the FHWA Division Administrator [whether the State has enacted and is enforcing a law OR whether the State opposes such a law as per 23 USC 159].

FHWA oversight: Receive State's certification, forward to FHWA Headquarters office, and take appropriate action to facilitate funding process.

- C. **Work Zone Review** (Traffic Safety in Highway and Street Work Zones)
[Authority: 23 USC 105, 106, 109, 115, 315, 320, 402(a) / Source 43 FR 47140, 10/12/78, 23 CFR 630 Subpart J]

Provides guidance and establishes procedures to assure that adequate consideration is given to motorists, pedestrians, and construction workers on all Federal-aid construction projects. A review team consisting of appropriate highway agency personnel shall annually review randomly selected projects throughout its jurisdiction for the purpose of assessing the effectiveness of its procedures. The agency may elect to include an FHWA representative as a member of the team. The results of this review are to be forwarded to the FHWA Division Administrator for his review and approval of the highway agency's annual traffic safety effort. (NOTE: The Annual Work Zone Summary Report, sent to FHWA by June 30, will satisfy this requirement)

FHWA oversight: Review and approve the highway agency's implementation of its

procedures annually.

- D. **NCHRP 350** (Standards, Policies, and Standard Specifications)
[Authority: 23 USC 109, 315, and 402, Sec. 1073 of Pub. L. 102-240, 105 Stat. 1914, 2012; 49 CFR 1.48 (b) and (n); 23 CFR 625.4(a) Chapter 5.1 - Performance Requirements, 7/93 & 8/28/98 FHWA Policy Memos]

States must comply with NCHRP 350 testing criteria.

FHWA oversight: Accomplished through day-to-day program actions and process reviews.

- E. **MUTCD** (Manual on Uniform Traffic Control Devices)
[Authority: 23 USC 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a) ; Source: 48 FR 46776, 10/14/83; 23 CFR 655 Subpart F]

The MUTCD, approved by the FHWA, is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. 109(d) and 402(a). Where state or other Federal agency MUTCD's or supplements are required, they shall be in substantial conformance with the national MUTCD.

FHWA oversight: Accomplished through day-to-day program actions and process reviews.

IV. Related Activities:

The following activities do not involve an FHWA oversight role with the State. Rather, this is a specific list of activities that the FHWA Maryland Division needs to be aware of, either for funding purposes or for general information.

- F. **154 Certification** (Open Container Laws)
[Authority: 23 USC 154, 23 CFR 1270, 3/31/00 NHTSA / FHWA Guidance Memo]

States must comply with 23 USC 154 in order to avoid transfer of Federal-aid highway funds.

MDSHA Action: Reporting requirement is to NHTSA. Satisfy requirements.

FHWA Action: Information / appropriate action to facilitate funding process. Copy forwarded to FHWA from NHTSA.

Product: Law enacted or funds transferred

- G. **164 Certification (Repeat Intoxicated Driver Laws)**
[Authority: 23 USC 164, 23 CFR 1275, 3/31/00 NHTSA / FHWA Guidance Memo]
States must comply with 23 USC 164 in order to avoid transfer of Federal-aid highway funds. Reporting requirement is to NHTSA.

MDSHA Action: Reporting requirement is to NHTSA. Satisfy requirements.
FHWA Action: Information / appropriate action to facilitate funding process. Copy forwarded to FHWA from NHTSA.
Product: Law enacted or funds transferred
- H. **Application for Highway Safety Funds (Includes Highway Safety Plan)**
[Authority: 23 USC 402, 23 CFR 1200 Subpart B]
Reporting requirement is to NHTSA. Satisfy requirements.
MDSHA Action: Reporting requirement is to NHTSA. Satisfy requirements.
FHWA Action: Information. Copy forwarded to FHWA from NHTSA.
Product: Apportionment and obligation of Federal funds
- I. **Safety Management System**
[Authority: 23 USC 303, NHS Designation Act, Sec. 205 - Suspension of Mgmt Systems]
Optional. Certification process not being implemented in Maryland. Instead, safety management concepts are being incorporated into other ongoing and new initiatives such as the Highway Safety Strategic Plan, Maryland Traffic Records Coordinating Committee, Pedestrian Safety Task Force, etc.
MDSHA Action: Non-applicable
FHWA Action: Non-applicable
Product: Non-applicable

SAFETY
Summary Table

Activity/item	MDSHA Action	FHWA Action**	Product
<u>HSIP Report</u> Highway Safety Improvement Program	Prepare annual program and report, submit to FHWA by 12/30	Review and comment on the program and annual report (within 15 days)	HSIP Program and Report
<u>159 Certification</u> Drug Offender's License Suspension Certification	Prepare annual certification & send to FHWA by January 1	Review certification, forward to FHWA HQ, take appropriate action	Law enacted /opposition stated or funds withheld
<u>Work Zone Review</u> Traffic Safety in Highway and Street Work Zones	Conduct annual review, submit results to FHWA by 6/30	Review and approve (within 10 days)	Assessment of work zone procedures
<u>NCHRP 350</u> NCHRP 350 Testing Criteria	Comply with NCHRP 350	Day-to-day program actions & process reviews	Crashworthy devices
<u>MUTCD</u> Traffic Control Devices on Federal-Aid and Other Streets	Comply with MUTCD	Day-to-day program actions & process reviews	Uniformity of Traffic Control Devices

** Action refers to comments and/or approvals

ITS Program

Background

The Transportation Equity Act for the 21st Century has directed changes in the stewardship responsibilities for the ITS program. TEA-21's ITS program provides for the research, development and operational testing of Intelligent Transportation Systems aimed at solving congestion and safety problems, improving operating efficiencies in transit and commercial vehicles and reducing the environmental impact of growing travel demand.

ITS projects and programs are funded through earmarks and federal-aid funding. TEA-21 provided incentive funding for integrated deployment of ITS. These funds are earmarked through appropriations.

TEA-21 clarified the use of federal-aid categories for ITS. The National Highways (NHS) and Surface Transportation Program (STP) Funds may be spent on infrastructure-based ITS capital improvements while Congestion Mitigation Air Quality (CMAQ) Funding may be spent on programs and projects that implement ITS strategies. There is no categorical funding for ITS.

Applicable Legislation and Oversight Activities

The applicable legislation for ITS projects is 23 CFR Part 940 Intelligent Transportation System Architecture and Standards and 23 CFR Part 1410 Metropolitan and Statewide Planning. These sections of 23 CFR are the regulations that projects that contain ITS components must follow.

ITS Integration Strategy – 23 CFR 1410.322 (b) (11) Metropolitan and Statewide Transportation Plans must include an ITS Integration Strategy for the purpose of guiding and coordinating the management and funding of ITS investments supported with highway trust fund dollars to achieve an integrated regional system.

The MDSHA, WASHCOG and the BMC must develop an ITS Integration Strategy to be included with their transportation plans. These plans along with the ITS Integration Strategy shall be reviewed and updated triennially.

ITS Regional Architecture – 23 CFR 940.9 An ITS regional architecture shall be developed for implementing the ITS integration strategy as provided in 23 CFR 1410. 214(a)(3) and 1410.322(b)(11) to guide the development of specific projects and programs. The ITS regional architecture shall conform with the applicable ITS integration strategy. The National ITS Architecture shall be used as a resource in the development of the ITS regional architecture. The ITS regional architecture shall include, at a minimum, the following:

- ! A "concept of operations" that addresses the roles and responsibilities of participating agencies, existing or required agreements for operations, and resources required to support the project, in order to implement the ITS integration strategy;
- ! A "conceptual design" sufficient to support subsequent project design regarding the system functional requirements; interface requirements and information exchanges with

planned and existing systems and subsystems; identification of key standards supporting regional and national interoperability, including uniformity and compatibility of equipment, practices and procedures to deliver ITS services; and a prioritization of phases or steps required in implementation.

The project sponsors shall submit an ITS Regional Architecture to the FHWA for approval. This architecture will be updated as ITS projects are initiated and resubmitted to the FHWA for periodic review.

Systems Engineering Analysis – 23 CFR 940.11 All ITS projects shall be based on a systems engineering analysis. The National ITS Architecture is a resource that should be used in the development of ITS projects. The analysis should be on a scale commensurate with the project scope. The basic elements of the analysis are as follows:

- ! Identification of applicable parts of the ITS regional architecture or ITS integration strategy;
- ! Preliminary analysis, including project objectives, existing systems resources, existing and future personnel and budget resources for operations, management and maintenance of systems;
- ! Analysis of alternative system configurations and technology options;
- ! Analysis of procurement options; and
- ! Identification of applicable standards and testing procedures, particularly those that support national interoperability.

The Project Sponsors will submit a systems engineering analysis with the project's PS&E package for FHWA approval.

Project Administration – 23 CFR 940.15 Prior to authorization of highway trust funds for construction or implementation, there shall be a demonstrated linkage to the ITS regional architecture or to the ITS integration strategy, and a commitment to the operations, management and maintenance of the overall system. Documentation of compliance with the provisions of 23 CFR 940.11 and 940.13 shall be developed by project sponsors. Highway trust fund recipients shall immediately take the appropriate actions to ensure that the project(s) perform the following functions:

- ! Enables the appropriate electronic information sharing between stakeholders;
- ! Facilitates future ITS expansion; and
- ! Uses the applicable ITS standards provided in § 940.13(b).
- ! Engages a wide range of stakeholders;

The project sponsors shall demonstrate a linkage to the ITS regional architecture or to the ITS integration strategy, and a commitment to the operations, management and maintenance of the overall system to the FHWA prior to the authorization of highway trust funds for construction or

implementation. The project sponsors shall demonstrate that ITS projects conform with the system engineering and conformity requirements provided in 23 CFR 940.11 to the FHWA before the project can advance to design or preliminary engineering phase.

Summary of Current Oversight Responsibilities for ITS Projects

All ITS projects except for some infrastructure-based ITS capital improvements are full oversight. The ITS projects that may be exempt from full FHWA oversight are infrastructure-based ITS capital improvements that meet the following criteria.

- ! If the estimated cost of the project is less than \$1.5 million
- ! If the project uses existing FHWA approved Standards and Specifications
- ! If new software will not need to be developed for the project.

All ITS projects must also conform to 23 CFR Part 655.409 Subpart D Traffic engineering and analysis and Section 5206 (e) of TEA-21.

The graphic on page 27 details the process to define exempt and non-exempt ITS projects.

ITS Oversight Determination Process

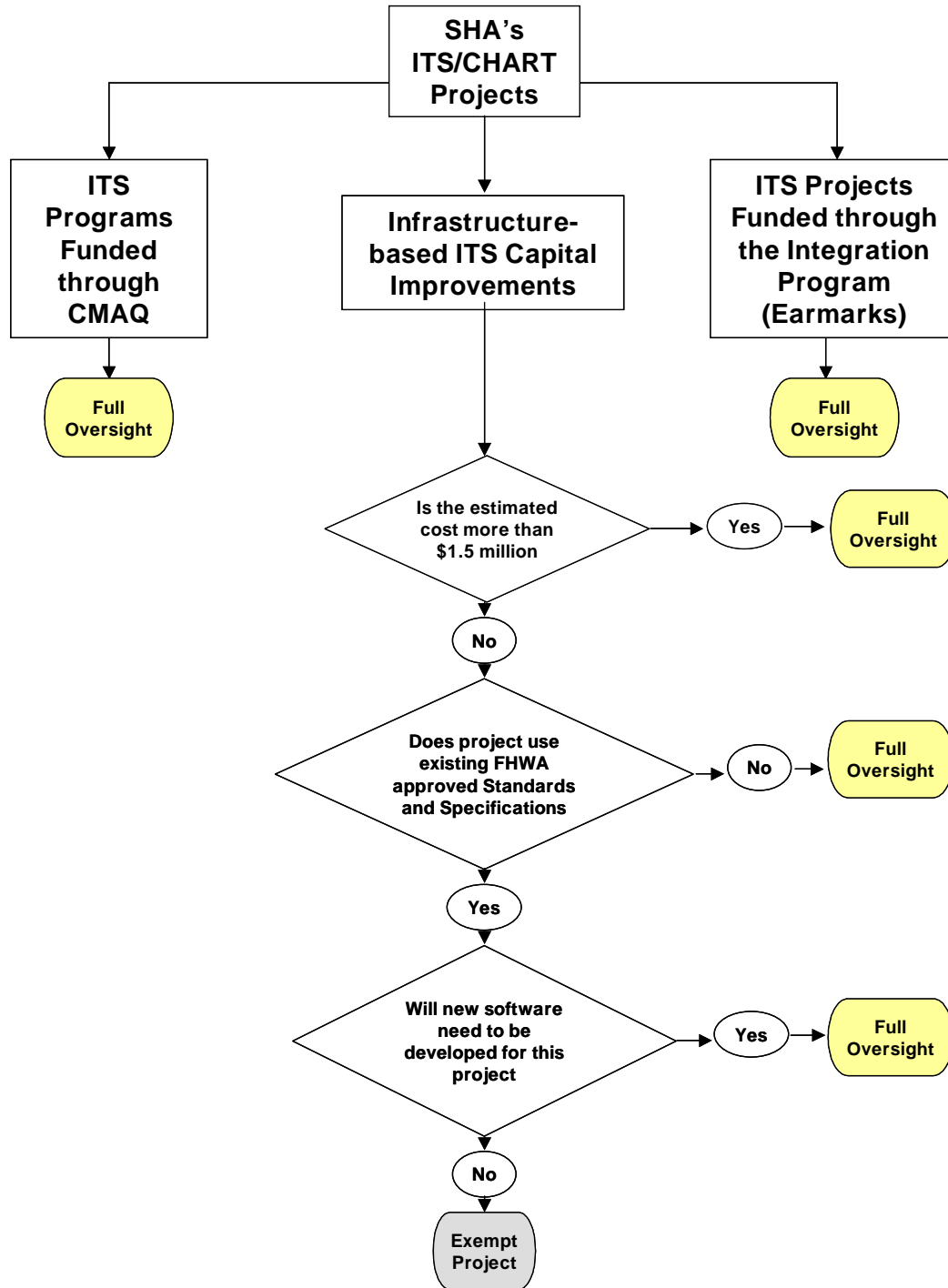


Fig. II

**ITS Projects
Summary Table
Funded through the Integration Program (Earmarks)**

Activity/Item	MDSHA action	FHWA action** (working days)
Prepare and submit MOU, work plan, schedule, and budget	prepare	approve (10 days)
Prepare and submit self-evaluation report	prepare	approve (10 days)
Submit copies of all project reports, correspondence, meeting announcements and meeting minutes	prepare	information
Prepare and submit quarterly progress reports	prepare	information
Prepare and submit work orders for individual activities within the project	prepare	approve (10 days)

**ITS Programs
Funded by CMAQ**

Activity/Item	MDSHA action	FHWA action**
Prepare and submit annual work plan and funding request	prepare	approve (10 days)
Prepare and submit annual reports detailing obligations made for CMAQ programs and projects with air quality benefits	prepare	information
process reviews	MDSHA/FHWA joint reviews	

Infrastructure-based ITS Capital Improvements

For these projects the table for oversight responsibilities are the same as the design program with an addition for the following item. The determination for exempt and non-exempt projects will follow the criteria set earlier in this section.

	Full oversight		Exempt	
Activity/Item	MDSHA action	FHWA action	MDSHA action	F H W A action**
traffic engineering analysis (for traffic surveillance and control system projects)	prepare	approve (10 days)	prepare/approve	informati on

** Action refers to comments and/or approvals

Design Monitoring Program

BACKGROUND

The Maryland Division's design monitoring program is structured around the 1991 ISTEA Program Efficiencies Agreement as modified by TEA-21.

The overall purpose of the design monitoring program is to establish procedures for assuring that projects are constructed in accordance with 23 CFR Part 625 Design Standards for Highways, 626 Pavement Policy, 627 Value Engineering, 630 Pre-construction Procedures, 633 Required Contract Provisions, 645 Utilities, 646 Railroads, 650 bridges, 652 Pedestrian and Bicycle Accommodations and Projects, 655 Traffic Operations, 771 Environmental Impact and Related Procedure, 772 Noise.

For federal-aid projects on the Interstate and NHS (excluding exempt projects), the primary objectives of the design monitoring program are:

- to maintain a close working relationship with Maryland State Highway Administration design staff.
- to ensure the integrity of the Interstate system through the review and approval of Interstate access point additions or modifications.
- to promote context sensitive design concepts and to ensure that environmental commitments are incorporated in construction contracts.
- to promote improved safety through appropriate use of design standards and guidelines.
- to provide special emphasis for the construction of the Woodrow Wilson Bridge Project

For exempt projects, the objective of the program is to ensure that non- Title 23 requirements are met.

OPERATING ENVIRONMENT

In Maryland, oversight determinations are made depending on the type and cost of projects. Projects involving innovative technology, special FHWA grants or involving new initiatives will have full oversight. Routine highway construction projects costing more than \$ 5,000,000 and on the National Highway System will have full FHWA oversight. The Interstate projects under \$1,000,000 will be exempt from full FHWA oversight. The Interstate projects over \$1,000,000 will generally have full oversight. However, State may request exemption for Interstate projects between \$1,000,000 and \$5,000,000. FHWA may approve the exemption status at the time of Preliminary Investigation or at any other appropriate stage, on a case by case basis. The \$5,000,000 threshold will be for the entire project as defined in the approved environmental document. (See figure III for oversight determination process)

FHWA will review and approve all changes in access control to the Interstate system. FHWA will review all projects whether exempt or full oversight at the time of construction authorization for fulfillment of the environmental commitments.

Projects under \$5,000,000 and on the National Highway System will be Exempt from routine FHWA oversight but will be subject to joint FHWA-MDSHA process reviews and inspections in depth and must comply with all Federal requirements. Projects off the NHS will be exempt from FHWA design oversight as provided under Title 23.

Summary of Oversight Responsibilities for Design Projects

Activity/Item	Full Oversight Projects		Exempt Projects	
	MDSHA action	FHWA action (working days, within receipt of request)	MDSHA action	FHWA action**
Program Approval (42-25C) for Interstate Projects	approve	approve (5 days)	prepare	approve
Program Approval (42-25C) for Non Interstate Projects	approve	approve (5days)	approve	
Preliminary Investigation Report Interstate Projects *	approve	approve* (10 days)	prepare	approve*
Preliminary Investigation Report Non Interstate Projects	approve	approve (10 days)	approve	
Semi-final review report	prepare	comment (10 days)	approve	
Final review report	prepare	comment (10 days)	approve	
Design exceptions	prepare	approve (10 days)	approve	
Public interest findings	prepare	approve (10 days)	approve	
PS&E	prepare	approve (10 days)	approve	
Noise study report (Noisewall projects)	prepare	approve (10 days)	approve	
Authority to advertise	prepare	approve (10 days)	prepare	approve (5 days)
Consultant selection	prepare	approve (10 days)	approve	
Local agency plan review	prepare	approve (10 days)	approve	
Utility PS&E	prepare	approve (10 days)	approve	
Addenda to contracts	prepare	approve (5 days)	approve	
Consultant services contract administration procedures	prepare	approve (10 days)	approve	
Toll facilities agreement	prepare	approve (10 days)	prepare	approve
TS&L, structural and foundation reviews	prepare	approve (10 days)	approve	
Life cycle cost analysis	approve	information	approve	

Value engineering (projects)	approve	information	approve	
Reimbursement for State purchased material	prepare	approve (10 days)	approve	
Process reviews	MDSHA/FHWA joint reviews			

Title 23 requirements apply to all projects on the NHS regardless of oversight/exemption status

Non-Title 23 requirements apply to all projects and are subject to review regardless of oversight/exemption status

* FHWA will indicate oversight status

** Action refers to comments and/or approvals

Construction Monitoring Program

BACKGROUND

The Maryland Division's construction monitoring program is structured around the 1991 ISTEA Program Efficiencies Agreement as modified by TEA-21.

The overall purpose of the construction monitoring program is to establish procedures for assuring that projects are constructed in accordance with 23 CFR, Part 635.

For federal-aid projects on the Interstate and NHS (excluding exempt projects), the primary objectives of the construction monitoring program are:

- to maintain a close working relationship with Maryland State Highway Administration field and Headquarters construction staff.
- to evaluate Maryland State Highway Administration's control of the projects and the quality and progress of work..
- to promote improvements
- to assure that projects are completed in reasonably close conformance with the approved plans and specifications and approved changes.
- to provide special emphasis for the construction of the Woodrow Wilson Bridge Project

For exempt projects, the objective of the program is to ensure that non- Title 23 requirements are met.

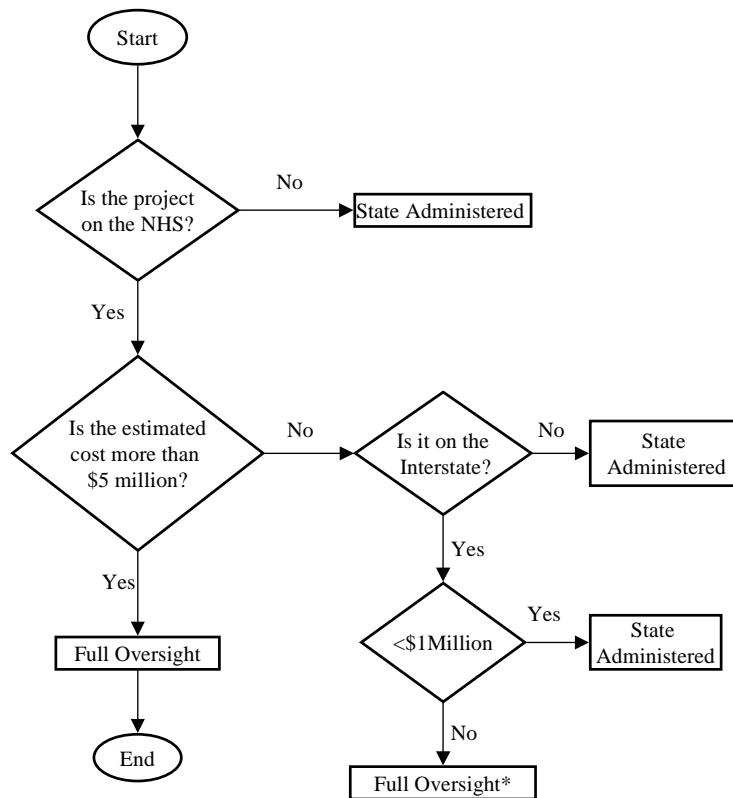
OPERATING ENVIRONMENT

In Maryland, oversight determinations are made depending on type and cost of projects. Projects involving innovative technology, special FHWA grants or involving new initiatives will have full oversight. Highway construction projects costing more than \$ 5,000,000 and on the National Highway System will have full FHWA oversight. The Interstate projects under \$1,000,000 will be exempt from full FHWA oversight. The Interstate projects over \$1,000,000 will generally have full oversight. However, State may request exemption for Interstate projects between \$1,000,000 and \$5,000,000. FHWA may approve the exemption status at the time of Preliminary Investigation or at any other appropriate stage, on a case by case basis. The \$5,000,000 threshold will be for the entire project as defined in the approved environmental document. (See figure III for oversight determination process)

FHWA will review and approve all changes in access control to the Interstate system. FHWA will review all projects whether exempt or full oversight at the time of construction authorization for fulfillment of the environmental commitments.

Projects under \$5,000,000 and on the National Highway System will be Exempt from routine FHWA construction oversight but will be subject to joint FHWA-MDSHA process reviews and inspections in depth and must comply with all Federal requirements. Projects off the NHS will be exempt from FHWA construction oversight as permitted under Title 23.

Oversight Determination Process for Construction Projects



•For Interstate projects between \$1 million and \$5 million, State may request exemption from FHWA oversight.

Fig. III

Summary of Oversight Responsibilities for Construction Projects

Activity/Item	Full Oversight		Exempt	
	MDSHA Action	FHWA Action (working days)*	MDSHA Action	FHWA Action
Concurrence in Contract Award	prepare	concur 10 days	approve	
Red Line Revisions	prepare	approve 10 days	approve	
Change Orders	prepare	approve 10 days	approve	
Subcontract Approvals	prepare/approve	information	approve	
Executed Contract	prepare/approve	information	approve	
Initial Construction Inspections	information	prepare		
Intermediate Construction Inspection	information	prepare		
In-depth Construction Inspection	information	prepare		
Final Construction Inspection	information	prepare		
Buy America waiver	prepare	approve 5 days	prepare	approve
Partnering meetings	notify	attend		
Form FHWA 1446C (existing CA projects)	prepare	approve		
District Engineer's Certificate of Completion	prepare/approve	approve**	prepare/approve	information
Statement of Overruns/Underruns	prepare/approve	approve**	prepare/approve	
Statement of Materials and Labor (Form FHWA-47, NHS > \$1M)	Send to FHWA DO	Send to FHWA HQ	Send to FHWA HQ	
Materials Certification for NHS projects	prepare	approve**	prepare/approve	
Materials Test Methods and Updates	prepare	approve	prepare/approve	information
Construction Manuals, Updates, & Directives	prepare/approve	information	prepare/approve	information
Ad Schedule	prepare/approve	information	prepare/approve	information

* Action refers to comments and/or approvals. A ten day FHWA approval turnaround goal is set

** Approval made as a part of Final Acceptance

Title 23 requirements apply to all projects on the NHS regardless of oversight/exemption status

Non-Title 23 requirements apply to all projects and are subject to review regardless of oversight/exemption status

Maintenance Monitoring Program

BACKGROUND

Legislation: 23 U.S.C. 116 (applies to all Federal-aid highways)

Routine Maintenance: States are required to maintain, or cause to be maintained, any project constructed as part of a Federal-aid system. FHWA is responsible for maintenance monitoring of all Federal-aid projects.

[Note: requirement of CFR 635, Subpart E, requiring State's annual certification that Interstate was being maintained in accordance with Interstate maintenance guidelines was eliminated under TEA-21 Section 1306(a)]

Preventive Maintenance: A preventive maintenance activity shall be eligible for Federal assistance if the State demonstrates to the FHWA that the activity is a cost-effective means of extending the useful life of a Federal-aid highway.

OVERSIGHT ACTIVITIES

Routine Maintenance

The oversight activities of the State's maintenance program will apply equally to NHS and non-NHS routes. FHWA maintenance monitoring activities will be a continuous process. Maintenance deficiencies observed during official travel will be reported to the appropriate MDSHA personnel. Follow-up activities, if necessary, will be performed by Division representatives.

Additionally, FHWA will occasionally participate in post construction reviews with MDSHA personnel. These reviews will focus primarily to identify and correct on future projects any design deficiencies that would require abnormally heavy maintenance. The MDSHA will provide us an opportunity to participate in post construction reviews.

Maintenance program/process reviews will be developed and influenced by our engineers' observations and any perceived strengths or weaknesses in the State's maintenance activities.

The bridge engineer will monitor the State's NBIS program.

[Division Lead: Maintenance Engineer supported by Area Engineers, Pavement Engineer, Safety Engineer, and Bridge Engineer]

Preventive Maintenance

The preventive maintenance (PM) will include all activities within Federal-aid ROW. The State could elect to develop statewide PM programs for eligible activities for our approval. In the absence of a statewide program, MDSHA will seek our approvals on case by case or by activity basis. The Division would review the activities and provide its determination.

The oversight activities of the State's preventive maintenance program will apply equally to NHS and non-NHS routes. Division's engineer (assigned for PM activities) will review and monitor State's program and projects for preventive maintenance and Federal-eligibility.

FHWA Preventive Maintenance monitoring activities will be a continuous process and will be done mostly on programmatic basis. Annual process reviews will be developed and conducted. The items for process reviews will be influenced by either Division or MDSHA's observations and any perceived strengths and/or weaknesses in the State's preventive maintenance program or activities. Deficiencies observed will be reported to the appropriate MDSHA personnel. Follow-up activities, if necessary, will be performed by Division.

[Division Lead: Programs/Maintenance Engineer with support of other staff]

OPERATING ENVIRONMENT

In routine maintenance area, Division staff will observe highway conditions during their routine travel activities. They will also perform in-depth maintenance reviews, as appropriate. Any significant findings will be discussed with appropriate MDSHA officials.

In preventive maintenance area, Division staff will assist MDSHA in developing a PM program, identify and approve eligible activities, and provide information on best practices, procedures, and technologies.

Maintenance Program
All Federal-aid Highways

Activity	MDSHA Action	FHWA Action*	Remarks
Routine Maintenance of Federal-aid highways	Adequately maintain highways	Conduct windshield and in-depth inspections	Division will provide all findings to appropriate MDSHA personnel.
Preventive Maintenance (individual activities)	Develop process to Identify individual PM activities in various areas	Review/approve (within 10 days)	Approved Activities
Preventive Maintenance (program)	Develop annual PM program	Review & Approve Assist MDSHA in developing and implementing PM	Approved Annual Program
Monitor actual PM accomplishments against funding plan from Pavement Management System (PMS)	Prepare Accomplishment Report	Review, Recommend Changes to Plan, Information	Annual report
Preventive Maintenance	Identify/propose technology transfer activities	Assist MDSHA in identification, marketing, and implementation	Improved PM program

** Action refers to comments and/or approvals. working days

Materials Quality Assurance Program

Background

The Division Office's Quality Assurance (QA) monitoring program is structured around 23 CFR 637. The overall purpose of the QA monitoring program is to assure the quality of materials and construction in all Federal aid highway projects on the National Highway System.

For Federal-aid projects on the NHS, the primary objectives of our QA monitoring program are:

- a) to maintain a close working relationship with MDSHA's materials and construction staff.
- b) to promote improvements when new approaches or technologies are developed and where deficiencies are identified.
- c) to assure that the materials incorporated in the construction work, and the construction operations controlled by sampling & testing are in conformity with the approved plans and specifications.
- d) to provide oversight of construction materials, and compliance with federal requirements on a state-wide basis.
- e) to assure adequate and qualified staff to maintain Quality Assurance program.

Operating Environment

Section 106 of Transportation Equity Act for the 21st Century further enhances flexibility on Project Approval and Oversight from that provided under ISTEA of 91. FHWA will monitor MDSHA's Quality Assurance Program for Construction on non-exempt Federal-aid projects. Details of oversight provided for monitoring MDSHA's QA Program for Construction are included in Construction Monitoring Program. For exempt NHS projects, MDSHA will monitor QA Program for Construction as if FHWA were fully involved except MDSHA does not need to send materials certification to FHWA.

Oversight Activities

The Division Office will review and approve MDSHA's Quality Assurance Program on an on-going basis. The Quality Assurance Program includes Acceptance Program, Independent Assurance Program, Materials Certification of non-exempt projects, AASHTO Accreditation Inspection Reports, Qualified Laboratory Program and Qualified Sampling & Testing Personnel Program. Additionally, by being a member of the individual task forces/teams/committees, FHWA will have an ongoing involvement in the development and implementation of the Quality Assurance Program.

In general, the Division Office will monitor the implementation and effectiveness of the Quality Assurance Program through process reviews. Individual process reviews will be identified in Division's annual Strategic Plan. Additionally, Division Office Pavement & Materials Engineer will accompany area engineers for project inspections of non-exempt projects.

Quality Assurance Program Summary Table

	NHS Full oversight & NHS Exempt		Exempt	
Activity/Item	MDSHA action	FHWA action**	MDSHA action	FHWA action
Quality Assurance Program Materials test methods and updates, Materials quality assurance manual, Sampling and testing frequency guide	Prepare (on going)	Approve 10days	MDSHA prepares and approves.	No action
Qualified Technician Program	Develop and implement	Approve (June 00 and when updated) 10 days	Required by MDSHA	No action
Qualified Laboratory Program	Develop and implement	Approve (June 00 and when updated) 10 days	Required by MDSHA	No action
AASHTO accreditation inspection reports, use of outside testing facility	maintain accreditation, submit inspection report, approve outside testing facility	Review, make recommendations for consideration (as necessary)	Required by MDSHA	No action
Independent Assurance Program (system-based approach)	Prepare annual report	Review, Comment, recommendations for consideration (annual)	MDSHA prepares and approves	No action

* Note: FHWA will approve Materials Certification for NHS full oversight projects. Materials certification for NHS exempt projects will be prepared and approved by MDSHA.

**Action refers to comments and/or approvals

Pavement Management and Design Program

Background

Pavement Management: Title 23 U.S.C. 303(a) directs the Secretary of Transportation to issue regulations for State development, establishment and implementation of system for managing highway pavements (PMS), bridges on and off federal-aid highways (BMS), highway safety (SMS), traffic congestion (CMS), public transportation facilities and systems (IMS) and traffic monitoring system for highways and public transportation facilities and equipment (TMS.) If a State elects to implement one or more of the systems, the State shall cooperate with metropolitan planning organizations (MPO) for urbanized areas of the State in implementing and developing a management system.

The MDSHA has implemented and has an operational PMS. This system is operated by the Pavement Division of Office of Materials and Technology.

Pavement Design: 23 U.S.C. 109 requires that pavement shall be designed in accordance with current and predicted traffic needs in a safe, durable and cost effective manner. The regulations do not specify the procedures to be followed to meet this requirement. Rather each State Highway Agency is expected to use a design procedure, which is appropriate for their conditions. The MDSHA may use the design procedure that is outlined in the AASHTO Guide for Design of Pavement Structures or they may use other pavement design procedures that, based on past performance or research, are expected to produce satisfactory pavement design.

Oversight Activities

Representatives of Maryland Division Office are members of PMS Steering Committee, Asset Management Team and other task forces and provides ongoing support in development and implementation of the PMS. The division office through participation in various task forces, meetings will ensure that pavement-related activities, including new and rehabilitated pavement design and construction, pavement management, research, technology transfer, HPMS, vehicle weight enforcement program, etc., are well coordinated among functional/administrative areas of the division office

The Division Office will review and approve MDSHA's pavement design/rehabilitation procedures, policy and guidelines on an ongoing basis. Additionally, by being a member of the individual task forces, teams, and committees, FHWA will have an ongoing involvement in the development, update and implementation of pavement design procedures.

In general, the Division Office will monitor the implementation, operation and effectiveness of the PMS and MDSHA's pavement design process through reviews. The Division Pavement & Materials Engineer will conduct oversight of the Pavement Management System.

**Pavement Management and Pavement Design
Summary Table
For Federal-aid Highway System**

Activity/item	MDSHA Action	FHWA Action	Product
Pavement Management System (PMS)	Develop, implement	Review, Comment, Make Recommendations for Consideration (on going basis)	PMS
Develop Budget Allocation Plan for System Preservation	Develop plan	Review & Comment, Make Recommendations for Consideration (annual)	Rehabilitation plan
Project Selection for Annual System Preservation Program	Select projects	Participate, Make Recommendations for Consideration (annual)	List of Projects
Selection of Preferred Rehabilitation Alternatives	Prepare alternatives	Review, Assist, Make Recommendations for Consideration (on going)	Report
Annual Audits of District Paving Projects, conduct joint review of design and recommendations	Prepare report	Review, Comment, Make Recommendations for Consideration (annual) Process reviews	Report
Pavement design guide, policy and procedures	Develop	Review, Comment, Make Recommendations for Consideration (on going basis) Approve originals and updates process reviews	Pavement Manual

BRIDGE PROGRAM

Background

Part 650, Subpart C of 23 CFR established the National Bridge Inspection Standards that apply to all bridges carrying vehicular traffic that are greater than 20 feet in length and are located on a public road.

Subpart D establishes the procedures for administering the Highway Bridge Replacement and Rehabilitation Program(HBRRP). The program was established to replace and rehabilitate deficient bridges.

Oversight Activities for the NBIS

A NBIS compliance review will be conducted of the MDSHA Bridge Inspection and Remedial Engineering Division(BIRED) each year. The reviews include the following major NBIS elements: inspection procedures, frequency of inspection, qualifications of personnel, quality of the reports and the inventory. The Division Bridge Engineer will also review the State's management of the bridge inspection program for the Counties and other bridge owners, underwater inspections, the State's program to deal with scour, quality assurance and procedures established to review, prioritize and track recommendations for repairs. The review includes a random sampling of bridge inspection reports and records and field reviews of selected bridges.

The Division Bridge Engineer will participate in at least two reviews of the bridge inspection programs of selected Counties, Cities and other bridge owners conducted by BIRED.

A report is prepared annually of the NBIS review by the Division Bridge Engineer. A report is prepared by BIRED of the NBIS review for each County or bridge owner for the non- MDSHA bridges. FHWA will furnish comments to be included in the BIRED report.

Oversight Activities for the HBRRP

Eligibility for this program is based on bridge inspection and inventory data submitted annually to the FHWA Office of Bridge Technology by MDSHA BIRED. A selection list of eligible structures is furnished by FHWA to MDSHA. The distribution of HBRRP funds to each State is based on unit cost data for bridges which is prepared annually by OBD and reviewed by FHWA and the area of deficient bridges contained in the bridge inventory. Not less than 15 percent nor more than 35 percent of the apportioned funds shall be expended for projects located off the Federal- aid system. MDSHA and the local governments may select any bridge on the selection list for replacement or rehabilitation under this program.

Lead: FHWA - Division Bridge Engineer; MDSHA - BIRED and Bridge Design

BRIDGE
Summary Table

ACTIVITY	MDSHA ACTION	FHWA ACTION	PRODUCT
Bridge Inspection Program (State)	Conduct inspections Update inventory and send data to FHWA annually by April 1. Prioritize and make repairs	Process data and furnish error listing. Review error listing and resolve differences. Conduct annual review	Annual report prepared.
Bridge Inspection Program (Counties & Cities)	Manage Inspection Program for locals and maintain inventory. Conduct review of six jurisdictions annually and prepare report.	Participate in at least two reviews and furnish comments to MDSHA within 2 weeks. Review recommendations for bridge closings.	Report prepared for each jurisdiction.
Bridge Replacement & Rehabilitation Program(HBRRP) State	Select, design and construct projects. Furnish unit cost data annually to FHWA by April 1.	Provide list of eligible projects, review non exempt projects and resolve questions concerning eligibility. Review unit cost data.	MDSHA receives their share of HBRRP funds based on cost and area of deficient bridges. Bridges are replaced.
HBRRP (Local Govt.)	Distribute funds to locals, provide list of eligible projects, review design and construction.	Resolve questions concerning eligibility, design standards, review non-exempt projects	Bridges are replaced.

FINANCIAL MANAGEMENT PROGRAM

Background

While ISTEA and TEA-21 changed FHWA's stewardship of certain Federal-aid highway projects, it has had little affect on the overall financial management and responsibilities of the Federal-aid program. Previous legislation such as the Chief Financial Officers Act and Cash Management Act have impacted the State's financial management systems and controls. Thus improvements implemented by MDSHA and FHWA to aid in the delivery of the Federal-aid highway program include electronic data sharing and electronic signature processes.

Legislative References

- 23 U.S.C.120
- 23 U.S.C. 121
- 23 CFR 630
- 23 CFR Part 140
- 49 CFR, Part 18
- OMB Circulars A-87, A-133
- FMFIA Act of 1982

Operating Environment

FHWA encourages MDSHA to maintain an effective financial management system and provides technical assistance and advice in funding and financial areas. FHWA provides assistance and maintenance to MDSHA for the electronic data sharing and Electronic Signature environment.

Oversight Responsibilities

The overall financial management responsibilities of the Federal-aid program by the FHWA Maryland Division Finance Team, are as follows:

1. Audit

OMB Circular No. A-133 was issued pursuant to the Single Audit Act of 1984 [P.L. 98-502] and Amendments of 1996 [P.L. 104-156] for the purpose of setting forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards. The U.S. DOT Office of Inspector General is the cognizant agency for audit responsibilities for Maryland Department of Transportation. Since FHWA is the Federal awarding agency to MDSHA, the FHWA Maryland Division is administratively cognizant and has certain responsibilities in this area.

The Maryland State Highway Administration (MDSHA) is responsible for ensuring that its operations are audited. FHWA is responsible for ensuring that audits are completed and reports are received in a timely manner, assure that findings are resolved, and corrective actions are taken in a timely manner. Further FHWA has a responsibility to provide technical advice and assistance to MDSHA and auditors as appropriate, and advise MDSHA of requirements imposed by Federal laws, regulations or provisions of contracts.

2. Reimbursement

Federal-aid reimbursement to MDSHA for costs incurred is found in 23 U.S.C. 121. The FHWA Maryland Division provides oversight of Cost Reimbursable Contracts, pursuant to 23 CFR Part 140, 49 CFR Part 18, and OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments." Likewise, FHWA must comply with the requirements of the Federal Managers' Financial Integrity Act of 1982 (FMFIA). Reimbursement to MDSHA is made through an electronic signature Federal-aid Current Billing and Payment System. The Single Audit Act does not preclude FHWA from performing program reviews and these activities are undertaken by FHWA to facilitate oversight of the Current Billing process. These routine financial management reviews may be conducted on MDSHA's accounting systems and records to assure conformance with applicable laws, regulations, and government-wide accounting principles and standards. Also, to maintain an adequate system of management control and to promote effective program delivery and efficiency, FHWA promotes the conduct of joint FHWA-MDSHA Quality Financial Management Initiatives (QFMI). The employment of these mechanisms will provide reasonable assurance that only allowable costs are reimbursed, thus ensuring the integrity of the Federal-aid program. Further these joint cooperative efforts between FHWA and MDSHA will help to establish opportunities for continuous improvements, specifically in areas with any potential compliance weaknesses.

3. Cash Management Improvement Act

The Cash Management Act of 1990 (31 CFR Part 205), prescribes rules and procedures for the transfer of funds between the federal government and the states for federal grant and other programs. The U.S. Treasury and the State of Maryland have entered into an agreement to describe its funds transfer procedures. FHWA's involvement is to provide assistance and guidance to the Maryland State Highway Administration (MDSHA) to facilitate compliance and to assist in the implementation of cash management improvements.

FHWA and MDSHA have implemented electronic signature processes for the Current Billings and Project Authorizations and Agreements. Responsibilities and activities of the FHWA Maryland Division to meet the intent of the Cash Management Improvement Act includes review, evaluation, and guidance on implementation of enhancements, and maintenance of the following programs:

- a. Electronic Signature for the Federal-aid Current Billing and Payment System which includes electronic data sharing (PR-20 Warehouse System) and electronic signature approvals (Electronic Progress Voucher System). This program provides MDSHA with same day reimbursement.

b. Electronic Signature for FHWA Project Authorizations and Agreements (23 CFR 106) allows MDSHA and FHWA to electronically create and sign project Authorizations, Agreements, and Modifications. This process allows faster approvals and permits better control of funds on Federal-aid projects..

c. As partners, both FHWA and MDSHA are committed to meeting customer requirements within the appropriate time frames, to the maximum extent possible.

d. The Fiscal Management Information System (FMIS) is FHWA's major financial information system. It contains data related to all highway projects financed with Federal-aid highway funds. FHWA uses this information for planning and executing program activities, evaluating program performance, and depicting financial trends and requirements related to current and future funding. Electronic data sharing allows MDSHA to transmit their FMIS data electronically to the FMIS Warehouse database until FHWA reviews and approves the data. This process provides faster approvals and better control of funds. Both MDSHA and FHWA have the ability to access FMIS information to obtain current funding and project related reports.

4. Federal-aid Funding

The Federal-aid Highway Program is made up of a series of separately funded categories, each having its own specific and separate funding as described in 23 U.S.C. Each of the programs have certain activities for which that funding may be used and are described in law. When an Authorization Act establishes a program, it sets certain ground rules under which the program operates. These rules include the amounts of funds available to the program for each fiscal year; period of availability; Federal participation ratio; Fund source; type of authority; and a listing of eligibility activities. The FHWA Maryland Division, in their role of administering and delivering the Federal-aid highway program, has a responsibility to provide information, guidance, and assistance to MDSHA. Although this oversight is ongoing, when a new Authorization Act modifies existing programs, or adds or eliminates programs, then FHWA has a responsibility to assure that significant changes in financing procedures are implemented by MDSHA. Although not all inclusive, some of the various activities in Federal-aid funding include the following:

- Federal share payable (23 USC 120)
- Non-Federal share [Toll Credit] (23 USC. 120j)
- Federal-aid participation (23 CFR 1.9)
- Funds transfers within apportionments and to FTA (23 USC 120)
- Innovative Financing Techniques (i.e. tapered match, advance construction, Toll Credits, SIB's)
- Advance Construction (23 CFR 630.701)
- Common Rule (49 CFR Part 18)

4. Reports

By September 30 of each year, the FHWA Division will report the Business Plan accomplishments of the previous fiscal year and status of financial activities underway and/or completed. Furthermore, other financial information, such as total obligations and current billing payments are reported, as required.

**FINANCIAL MANAGEMENT
Summary Table**

Activity/Item	MDSHA Action	FHWA Action**	Product
OIG Audit Report Issued and forwarded to MDSHA for review/action	MDSHA Comments to audit findings requested within 30 days	FHWA staff reviews/concurs in MDSHA's response and forwards resolution to OIG;	OIG Audit Report Closed
Current Billing	MDSHA submits Current Billing to FHWA electronically, as often as desired	FHWA Financial Manager approves current billing electronically within one hour of receipt	EFT payment posted to MDSHA's account on same day requested.
Combination Project Authorizations and Agreement	MDSHA submits approved request using Electronic Signature. PS&E data for non-exempt projects submitted as required.	Project reviewed & approved by FHWA engineers. Time frame is 5 days for Exempt and 10 days for non-Exempt projects. Obligations/fiscal data processed by FHWA Finance Team within one day of signature.	An Electronic Signed Project Authorization/ Agreement has been executed between MDSHA and FHWA. Federal funds have been obligated.
Amended Project Authorization and Agreements	MDSHA submits approved request electronic Signature; non-exempt supporting time submitted as needed	Amended authorization approved by FHWA area engineers. Amended Agreements approved by Financial Manager. Amended authorizations for non-exempt time frame is within 10 days; all other amendments processed within 5 days.	Executed Electronic signed Amended Authorization/ Agreement. Federal funds have been obligated.
Transfer of Funds between categories and between Agencies	MDSHA submits fund transfer request and worksheet	FHWA review/approves funds transfer and requests Headquarters Finance to adjust funding records.	Funds Transferred as requested.

** Action refers to comments and/or approvals

CIVIL RIGHTS PROGRAM

Background

The Maryland Division Office is committed to effectively implement and enforce these programs within the State Department of Transportation (DOT) and State Highway Administration (MDSHA) which receives federal funding or assistance. The State is obligated to ensure nondiscrimination in their federally-assisted programs as a basis for continued receipt of FHWA funds. The State DOT submits yearly plan updates and reports of their programs. The Civil Rights Specialists, on behalf of the Division Office, review the documents and provide comments and recommendations to the State. The Division Office Civil Rights Specialists provide technical assistance and interpretation, as needed, on the laws, executive orders, civil rights authorities, and regulatory requirements.

Operating Environment

The objectives of the Division Office's Civil Rights Stewardship Plan are to: (1) perform scheduled program reviews with the State; (2) provide technical assistance and guidance to MDSHA/MDOT; (3) ensure that program documents and other required reports are accurate, completed in a timely manner, and when appropriate, approved; and (4) serve as a resource to MDSHA and MDOT in its civil rights program and policy development meetings. Successful implementation of the civil rights activities will require support from the Division Administrator and Assistant Division Administrator. Technical assistance may be required from the Resource Center and the Washington Office of Civil Rights. The civil rights program elements are required through a collection of regulations, laws, and executive orders, and approval actions are outlined in these elements:

Applicable Legislation

23 CFR 230 Subpart D; 23 USC 140; FHWA Order 4710.8
FHWA-1392, Federal Aid Highway Construction Contractor's Annual EEO Report: FHWA Notice N 4720 dated 8-27-91
DBE Program: 49 CFR 26
DBE Supportive Services: 49 CFR 26; 23 USC 140(c); 23 CFR 230.201-207
On the Job Training (OJT) Program: 23 CFR 230 Subpart A
Title VI Program: 23 CFR 200; 23 USC 324; Age Discrimination Act of 1975
Environmental Justice in Minority & Low Income Populations: Executive Order 12898
Affirmative Action and State Internal EEO Program: 23 USC 140(a)-(d); Federal-aid Highway Act of 1968; Federal-aid Highway Act of 1970; 23 CFR 230 Subpart C; 23 CFR 1.9; 23 CFR 1.36
Americans with Disabilities Act (ADA) Complaints: Section 504 - Rehabilitation Act of 1973 and Americans with Disabilities Act
Indian Outreach Program: 23 USC 140(c); 23 CFR 230.201-207
Minority Institutions of Higher Education (MIHE): Presidential Executives Order 12667; 13021; 12900.
AASHTO/Transportation and Civil Engineering (TRAC) Program: 23 USC 140(b); FHWA

Notice N 4720.9 dated 9/16/97; TEA-21 Section 1208 (a)(b)

Dwight David Eisenhower Transportation Fellowship Program (DDETFP): Established by Public Law 102-240, Section 6001 (ISTEA) & re-authorized in TEA-21; Executive Orders 12667; 13021; 12900.

Garrett Morgan Transportation Futures Program: Educational initiative of the U.S. Department of Transportation under the authority of the Secretary.

Urban Youth Corps: TEA-21 Section 1108(g); 42 USC 12572; 42 USC 12656

Welfare to Work: TEA-21 Section 1208 (a)(b)

Summer Transportation Institute: TEA-21 Section 1208(a)(b)

Oversight Activities

The Division Office will review and approve MDSHA's and MDOT's Civil Rights Affirmative Action and Equal Employment Opportunity Programs on an ongoing basis through process/compliance reviews and annual/quarterly program reviews. The onsite and program reviews will be scheduled and conducted, in coordination, with the State EEO and DBE Personnel. The scheduling of the reviews will be identified in the Division Office's Strategic Plan and individual team plans (Program and Technology & Project Development Group). The purpose of the program and onsite reviews is to monitor the implementation and effectiveness of the State's civil rights program. The Division Office will provide training, technical assistance, and actively participate in MDSHA/MDOT initiated civil rights meetings, task forces, review activities and be an advocate of the civil rights program. Appropriate Division representatives will actively participate in the State initiated reviews, task forces and other civil rights initiatives, upon request, and to the extent feasible. Finally, the Division Office will analyze civil rights reports submitted by the State to help identify trends and provide feedback and recommendations to the State.

**Civil Rights
Summary table**

Product	MDSHA Action	Due Date to FHWA	FHWA Action**
DBE Quarterly Report Awards/Commitment	Prepare/Submit	15 th day of the month following the end of the quarter	Review/Approve Submit to DOT within 10 days
Annual Contractor Employment Report-PR 1392	Prepare/Submit	August 30th	Review/File Submit to DOT
*State Internal AA/EEO and Contract Compliance Program Plan	Prepare/Submit	Established with the State, usually one year after the last plan approval	Review/Approve within 10 days
State Internal Employment Practice EEO- 4 Report	Prepare/Submit	July 30th	Review/File Submit to DOT within 10 days
Title VI Program Plan	Prepare/Submit	Established with the State	Review/Approve within 10 days
DBE Program Plan	Prepare/Submit by MDOT-Office of MBE	On an annual basis when there are program revisions or changes.	Review/Approve within 10 days
DBE Program Goals	Prepare/Submit by MDOT-Office of MBE	August 1st	Review/Approve Submit to DOT within 10 days
Historically Black College/Minority Institution of Higher Education Plan/Report	Prepare/Submit	Annually- established by DOT	Review/File Submit to DOT
Contractor Compliance Review Schedule and Reports	Prepare/Submit	15 th day of the month following the end of the quarter	Review/File
DBE and OJT Supportive Service Work Statement	Prepare/Submit	Annually-established by DOT	Review/Approve Submit to DOT for funding approval

** Action refers to comments and/or approvals; working days *Accomplishments for the On-the-Job Training program are included in the contractor compliance plan.

Miscellaneous Programs/Activities

This section summarizes miscellaneous programs that may not be covered under other sections.

**Miscellaneous Programs
Summary Table**

Activity	MDSHA Action	FHWA Action**	Product
Buy America waiver (Applicable to both exempt and non-exempt projects)	Prepare	Approve within 10 days	Waiver
Design/build SEP-14 (Still experimental)	Prepare proposal	Review/approve experimental feature (by HQs)	specification/work plan for design/build project
Warranty Projects (NHS projects only)	Prepare request on case by case or program basis	Review and approve specifications	warranty specifications
New/revised standard drawings	prepare (approve for exempt projects)	approve (for non-exempt projects)	new/revised drawings
New/revised specifications	prepare	approve	new/revised specifications
Emergency Relief (Federal-Aid Highways)	Prepare request (Perform emergency repair)	Approve program for permanent repairs	ER program/projects
Emergency Preparedness	Prepare program/plans	review/concur	EP program/plan

** Action refers to comments and/or approvals